

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARIUSZ DANIEL MARCINKOWSKI,

Petitioner

v.

WARDEN YORK COUNTY PRISON,
et al.,

Respondents

Civil No. 3:17-cv-1902

(Judge Mariani)

FILED
SCRANTON

NOV 15 2017

PER *Amo*
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ORDER

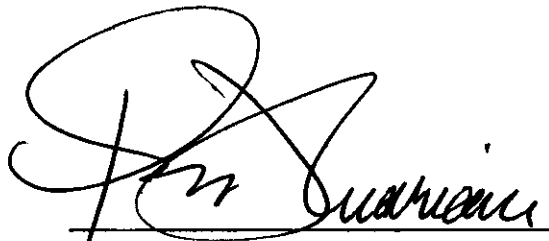
AND NOW, this 15th day of November, 2017, for the reasons set forth in the

Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. 1) is **GRANTED in part** to the extent that Petitioner will be afforded an individualized bond hearing.
2. An Immigration Judge shall afford Petitioner an individualized bond hearing within **thirty (30) days** of the date of this Order.
3. At the bond hearing, the Immigration Judge must make an individualized inquiry into whether detention is still necessary to fulfill the purposes of ensuring that the Petitioner attends removal proceedings and that his release will not pose a danger to the community. *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 475 (3d Cir. 2015). At this hearing, the Government bears the burden of presenting evidence and proving that

continued detention is necessary to fulfill the purposes of the detention statute. *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233 (3d Cir. 2011).

4. Within ten (10) days of the Immigration Judge's hearing, Respondent shall report to the District Court on the outcome of the individualized bond hearing.
5. The Clerk of Court is directed to **TERMINATE** Respondent Pennsylvania Attorney General as a party to this action.
6. The Clerk of Court is further directed to **CLOSE** this case.



Robert D. Mariani
United States District Judge